



March 11, 2015

Via ECF

The Honorable Henry Pitman
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Ballinger v. Advance Magazine Publishers, Inc. d/b/a Condé Nast Publications*,
No. 13 Civ. 4036 (HP)

Dear Judge Pitman,

We are Class Counsel in the above-referenced matter. We write to request the Court's approval of a process for funding an aspect of the claims administration procedure that the Court preliminarily approved on December 29, 2014. ECF No. 57. Defendant consents to this request.

As set forth in Section 13(d) of the Settlement Agreement, ECF No. 55-1, the Claims Administrator has engaged LinkedIn to send the notice to Class Members who have LinkedIn accounts by "inMail" (essentially via email). Although Defendant agreed to pay the fees for this process when it funds the settlement, *see id.* §§ 7, 13(d), we learned just this week that LinkedIn requires its fees to be paid up front. Pursuant to the terms of the Settlement Agreement, Defendant's obligation to fund the settlement is only triggered once the settlement becomes final (*i.e.*, after the Court grants final approval and the time to appeal expires).

In order to facilitate the LinkedIn notification, Plaintiffs respectfully request that the Court permit Class Counsel to advance the cost of the LinkedIn notification – approximately \$39,750 – which Defendant will pay into the Qualified Settlement Fund when, assuming the Court grants final approval, Defendant funds the settlement pursuant to Section 7 of the Settlement Agreement. This amount would be added to the Court-approved costs that the Claims Administrator disburses to Class Counsel pursuant to Section 8(b) of the Settlement Agreement.

We thank the Court for its consideration of our request.

The Honorable Henry Pitman

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rachel Bien". The signature is fluid and cursive, with the first name "Rachel" being more prominent than the last name "Bien".

Rachel Bien

cc: Elise Bloom, Esq. (via ECF)
Amy Melican, Esq. (via ECF)
Juno Turner, Esq.
Michael N. Litrownik, Esq.